

**Notice of Allowability**

Application No.

09/282,450

Examiner

D. I. Lee

Applicant(s)

KAWAI ET AL.

Art Unit

2876

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/8/03.
2. ☒ The allowed claim(s) is/are 3,4,8 and 10.
3. ☒ The drawings filed on 31 March 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                    | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____.              | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9 <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

1. Receipt is acknowledged of the Amendment filed 08 September 2003.

#### ***Allowable Subject Matter***

2. Claims 3-4, 8 and 10 are allowed.
3. The following is an examiner's statement of reasons for allowance:

Minasy et al. [US 4,684,930-referred as Minasy'930] discloses a commodity information management system (supermarket checkout counter) for managing a commodity as well as security thereof based on a bar code and a tag (target) attached to the commodity (merchandise). The system comprising a bar code reader for reading the bar code, a deactivator (a target deactivator) provided downstream from the reader (just beyond the bar code reader on the checkout counter) for deactivating the tag after the bar code is read by the reader; a magnetic detector (a pair of spaced apart antenna in the interrogating zone which leads to the store exit) provided downstream from said deactivator (the antenna in the interrogating zone located beyond the counter) for detecting effectivity of the tag, i.e., magnetic field of the tag; a notifying unit (a light and/or an audible alarm) for notifying an operator of a detection result by the detector (i.e., by producing an alarm such a light or an audible alarm). Minasy'930 further teaches that the tag that is attached to the commodity having a thin elongated strip of saturable material. As the commodity is place on the counter and carried by the conveyor belt in the direction indicated by an arrow "A" toward the cash register positioned along side of the counter, the commodity is passed over the bar code reader and the tag deactivator. The commodity is carried though the interrogation zone of the exit passageway to detect the effectivity of the tag by the detector, and the notifying unit is activated only when the tag is still activated. Since the tag provides a security measure against shoplifting in the store (i.e., taking out the commodity from the store without a payment), the tag clearly performs the function of security management at an exit of the store and assures that payment for the commodity attached thereon is done. The commodity is carried toward the tag deactivator by the conveyor belt and/or by the operator

Art Unit: 2876

when the bar code reader reads the bar code data. The deactivator causes the tag to become deactivated so that commodity can be carried through the detector without producing an alarm. He also states that the deactivator includes a deactivator cylinder with a plurality of permanent magnets arranged with their poles near the surface of the deactivator so as to produce a pattern of oppositely directed magnetic fields.

Minasy et al. [US 5,121,103-referred as Minasy' 103] teaches a checkout station each having an elongated counter having a conveyor for moving the merchandise on the counter top surface. When the packages are placed on the counter, they are deactivated. The checkout station includes a detector (antenna assembly) provided adjacent to the deactivator and arranged adjacent to the counter top surface. Minasy' 103 further teaches that the elongated counter and the antenna assembly includes a transmitter, a receiver, electrical circuits for energizing the transmitter and for processing the electrical signal produced by the receiver, and wherein the electrical circuits may be housed in the base of the antenna assembly or mounted in the counter. The antenna assembly is almost completely isolated (i.e., electro-magnetically) from the counter such that the counter does not affect the operation of the detection system by the antenna.

Ruppert discloses a commodity information management system for managing commodities (e.g., supermarket products) based on a bar code and a magnetized security tag affixed to the product. The system includes: a deactivating unit for deactivating the security tag; a detector having a determining unit for determining whether or not security tag has been deactivated according to the detection result; a host terminal in communication with the check out terminal, the deactivator, and the detector for controlling operation of the entire check out system such as monitoring and managing the transaction process including validation, deactivating, updating, and etc.; and wherein the detection notifies the detection result by setting the alarm and transmitting the signal (i.e., electronic data) to the host terminal via signal line. In response to the detected result, the tag transmitter as a control unit for making a report to the effect that the security is not released to the host terminal when it is determined by the detecting unit that the tag has not been deactivated. Upon host terminal receiving the notification, the host sends a message

Art Unit: 2876

to the checkout station to request an audit of the contents with the itemized list thereby requesting the operator to recheck the transaction process including the retry of checking the deactivation process.

One of ordinary skill in the art would not have been motivated to modify the teachings of Minasy'930, Minasy'103, and Ruppert, taken alone or in combination, in order to provide the claimed control unit that enables only the function of the detector during the period of time until the determining unit determines that the security tag is deactivated when a retry of checking deactivation of the tag is request, as set forth in the claim.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. I. Lee whose telephone number is 703-306-3427. The examiner can normally be reached on Monday through Thursday from 5:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

  
D. I. Lee  
Primary Examiner  
Art Unit 2876

D. L.